HON'BLE SRI JUSTICE D.S.R.VARMA

AND

HON'BLE SRI JUSTICE P.SWAROOP REDDY

Taken up W.P.No.15277 of 2006

01-08-2006

Between:

Smt. Shaik Shahajadhi Begum

… Petitioner

and

The Station House Officer,
Ghanpur Police Station,
Warangal district, and another

… Respondents

HON'BLE SRI JUSTICE D.S.R.VARMA

AND

HON'BLE SRI JUSTICE P.SWAROOP REDDY

Taken up W.P.No.15277 of 2006

ORDER: (Per Hon'ble Sri Justice D.S.R.Varma)

This writ petition is taken up on the basis of a fax message dated 14-07-2006 sent by Smt. Shaik Shahajadhi Begum, W/o Jani Miya, R/o Mittapally village, Tallada Mandal, Khammam district, alleging that her son Shaik Subhani was falsely implicated in a criminal case in Crime No.95 of 2006 of Ghanpur Police Station for the offences punishable under Sections 406 and 420 of Indian Penal Code. Pursuant to the registration of the said crime, the alleged detenu surrendered before the IV Additional Judicial Magistrate of First Class, Warangal, and upon his surrender, he was remanded to judicial custody on the same day, but the date is not mentioned. It was further averred that the Sub-Inspector of Police, Ghanpur Police Station, lodged a requisition for police custody, which was ordered. That the Sub-Inspector of Police took her son on 05-07-2006 and produced before the Incharge IV Additional Judicial Magistrate of First Class, Warangal, on

07-07-2006 at 10.30 p.m. That she met her son in the Central Prison, Warangal, and she was told by her son that he was severely tortured and physically manhandled by one Narayana Naik, S.D.P.O., Warangal (Rural), before he was produced before the Magistrate concerned on 05-07-2006 and her son was also threatened not to reveal the same to the Magistrate.

2. Upon receiving the notice from this Court,

counter-affidavit has been filed by Sub-Inspector of Police, Ghanpur Police Station, wherein it is stated, *inter alia*, that the alleged detenu

was arrested in connection with Crime No.95 of 2006 for the offences punishable under Sections 406 and 420 of the Indian Penal Code and the investigation is taken up. Subsequently, the alleged detenu has surrendered before the
IV Additional Judicial Magistrate of First Class, Warangal, on
28-06-2006 and the Magistrate remanded the alleged detenu to judicial custody initially for a period of 15 days and thus, he was lodged in Central Prison, Warangal. On 30-06-2006, the police filed a requisition before the said Magistrate seeking police custody of alleged detenu to complete the investigation and accordingly, police custody was granted for three days from 05-07-2006. After expiry of initial remand period, the alleged detenu was produced before the Magistrate concerned and he was again remanded to judicial custody. Thereafter, the alleged detenu was released on bail on 14-07-2006 subject to the condition that he should attend the Ghanpur Police Station everyday between 5 p.m. and 6 p.m. After release on bail, the alleged detenu had not turned up and not attended the Police Station. Since the accused violated the bail condition imposed by the said Magistrate, the police sought cancellation of bail granted to the alleged detenu vide Crl.M.P.No.1969 of 2006. At that point of time, learned counsel appearing for the alleged detenu represented before the Magistrate that the present writ petition has been filed before this Court and the same is pending. In view of the said submission, the Magistrate has dismissed the said petition with liberty to move fresh application after the writ petition is disposed of.

3. A reading of the averments in the counter-affidavit would reveal that the facts narrated in the fax message sent by the mother of alleged detenu are not fully correct and some of the vital facts have not been brought to the notice of this Court. Further, the alleged detenu is released on bail, but he is not complying with the condition of attending the police station every day between

5 p.m. and 6 p.m., imposed by the Magistrate while granting bail and thus, the police have moved a petition before the Magistrate concerned seeking cancellation of bail vide Crl.M.P.No.1969 of 2006. It is obvious that further steps could not be taken due to pendency of this writ petition.

4. Having regard to these circumstances and other averments in the counter-affidavit, we do not find that there is illegal detention of the alleged detenu.

5. The writ petition is therefore closed.

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D.S.R.VARMA, J.

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P.SWAROOP REDDY, J.

01-08-2006

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